

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Independent claim 6 has been amended to clarify that the "light-amount adjustment" members are attenuation filters, that the "wavelength-selective" members are excitation filters, that the "mirror" is a dichroic mirror, and to clarify that the "imaging elements" are a first camera and a second camera, as well as to make a few additional minor clarifying amendments.

In addition, claim 6 has also been amended to recite a second dichroic mirror, which is arranged to receive fluorescent light which has been emitted from the specimen and passed through the objective lens and the first dichroic mirror, and which splits the fluorescent light emitted from the specimen into a beam of first fluorescent light generated by excitation with the first irradiation light whose wavelength is selected by the first excitation filter and a beam of second fluorescent light generated by excitation with the second irradiation light whose wavelength is selected by the second excitation filter;

Still further, claim 6 has been amended to recite a first fluorescence filter arranged between the second dichroic mirror and the first camera, to be used in combination with the first

excitation filter, and a second fluorescence filter arranged between the second dichroic mirror and the second camera, to be used in combination with the second excitation filter.

And yet still further, claim 6 has been amended to clarify the feature of the present invention whereby at least one of the first attenuation filter, the second attenuation filter, and the image processing means is used for image adjustment so that an intensity of the first fluorescent light and an intensity of the second fluorescent light in an ultimate synthesized image are at an equal level.

And it is respectfully submitted that amended independent claim 6 is fully supported by, for example, Fig. 4 and the disclosure in the specification corresponding thereto.

Claims 14, 22 and 34, moreover, have been amended to better accord with amended independent claim 6 and/or to make some minor clarifying amendments, and claims 26 and 28 have been amended to reflect the cancellation of claim 4.

And new claims 35 and 36 have been added to recite that each of the beam splitting means (claim 35) and beam synthesizing means (claim 36) comprises a semi-transmissive mirror, as supported by the disclosure in the specification at, for example, page 12, lines 26 and 27 and page 13, lines 18-22.

No new matter has been added, and it is respectfully requested that the amendments be approved and entered.

THE PRIOR ART REJECTION

Claims 1-6, 11-14, 19-24 and 29-34 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,898,548 ("Zeng et al") and JP 10-090608 ("Hirano et al"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 6, at least one of the first attenuation filter, the second attenuation filter, and the image processing means is used for image adjustment so that an intensity of the first fluorescent light and an intensity of the second fluorescent light in an ultimate synthesized image are at an equal level.

The Examiner has cited Zeng et al for the disclosure of an optical system in which light from a light source is split and the wavelength of the light is selected (e.g, the near-infrared component 144, the excitation component 142, and the white light component 146).

However, the Examiner acknowledges that Zeng et al does not disclose light-amount adjusting members (which are now recited in claim 6 as attenuation filters). It is respectfully submitted, therefore, that Zeng et al clearly fails to disclose adjustment of the intensity balance between two light beams, whose

wavelengths are respectively selected after a single light beam is split into two beams, so that an intensity of the first fluorescent light and an intensity of the second fluorescent light in an ultimate synthesized image are at an equal level, in the manner of the claimed present invention.

The Examiner has cited Hirano et al for the disclosure of "dimming" filters 24A and 24B. It is respectfully pointed out, however, that Hirano et al is directed to a microscope device in which the exposure light A and exposure light B are irradiated simultaneously on two different spots on the specimen, via the reflecting mirrors 22A, 22B which can change their tilt angles to adjust the positions of the exposure light A and the exposure light B on the sample 50. In addition, it is respectfully pointed out that the beam splitting means of Hirano et al is a semi-transmissive mirror 21 to split a light beam into two even beams having the same spectral distribution, and that Hirano et al fails to disclose an excitation filter for selecting an excitation wavelength in each of the split path after the light beam is split by the beam splitting means.

Thus, according to Hirano et al the attenuation filters 24A and 24B are used to adjust exposure intensity without consideration of the difference in responsive fluorescence intensity differing in excitation wavelength.

It is respectfully submitted, therefore, that even if the teachings of Hirano et al and Zeng et al were combinable in the manner suggested by the Examiner, such combination would still not achieve the structure of the present invention as recited in amended independent claim 6, and would not at all suggest the feature of the claimed present invention whereby at least one of the first attenuation filter, the second attenuation filter, and the image processing means is used for image adjustment so that an intensity of the first fluorescent light and an intensity of the second fluorescent light in an ultimate synthesized image are at an equal level.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claim 6, and claims 14, 22, 32, 35 and 36 depending therefrom, clearly patentably distinguishes over Zeng et al and Hirano et al, taken singly or in combination, under 35 USC 103.

It is respectfully requested, moreover, that if claim 6 is found to be allowable, withdrawn claims 26 and 28 depending therefrom also be considered on the merits and allowed.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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